

Application No.: 09/996,439
Filing Date: November 28, 2001

REMARKS

Claims 1-9, 28-35 and 37-47 were pending in this application. As discussed in greater detail below, Claims 1-9 stand rejected as being unpatentable over certain references. Further, Claims 28-35 and 37-47 are allowed. Claims 10-27 were previously canceled. As discussed in greater detail below, Claims 1-9 are canceled without prejudice herein. Accordingly, Claims 28-35 and 37-47 are presented herein for further consideration.

Claim Rejections under 35 U.S.C. §102

Claims 1-9 stand rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Patent Publication No. 5-10700 or U.S. Patent No. 2,826,135 to Benzick. In the Office Action, the Examiner concludes that Japanese Patent Publication No. 54-97212, Japanese Patent Publication No. 53-80603 and/or U.S. Patent No. 5,226,188 to Liou may also be used to reject Claims 1-9 under 35 U.S.C. §102 or §103 grounds.

Applicant disagrees with the Examiner's characterization of the cited references in view of Claims 1-9, and Applicant respectfully traverses the rejection of these claims. However, in order to expedite prosecution, Applicant has canceled Claims 1-9 herein without prejudice. Applicant reserves the right to pursue claims similar to the original claims or other previously presented versions of the claims, including the previously pending versions of Claims 1-9, in a continuing application.

Claims 28-35 and 37-47

Applicant thanks the Examiner for the allowance of Claims 28-35 and 37-47.

Supplemental Reissue Declaration

In accordance with MPEP 1414.01, a Supplemental Reissue Declaration executed by an authorized representative of the Assignee of the present application is being transmitted to the U.S. Patent and Trademark Office together with this amendment and response.

Status of Claims, Explanation of Claim Amendments and Support therefor - 37 C.F.R. §1.173(c)

Claims 1-9, 28-35, 37-47 were pending in this application. Claims 1-9 are canceled without prejudice herein. Claims 10-27 were canceled without prejudice as part of the Amendment filed with the U.S. Patent and Trademark Office on November 11, 2008. Claims 28-35, 37 and 38 remain pending and are identical to the originally-filed versions (e.g., as presented in a Preliminary Amendment on November 28, 2001 simultaneously with the present application). Claims 39-47, which were added as part of the November 11, 2008 Amendment, correspond to the original versions of Claims 1-9. That is, Claims 39-47 correspond to Claims 1-9 as originally submitted in the present application.

The status of the claims is provided in the following table. A list of support from the specification and figures of the original patent, U.S. Patent No. 5,597,200 ("the '200 patent"), for the presently pending claims is also provided in the table. This list is not intended to be comprehensive. As noted above, the only amendments to the claims made herein include the cancellation of Claims 1-9.

<u>Claim(s)</u>	<u>Status</u>	<u>Support (<i>inter alia</i>) in the '200 patent</u>	<u>Notes/Comments</u>
1-9.	Canceled	n/a	As issued in the '200 patent
10-27.	Canceled	n/a	Claims 10-21 were amended in the Preliminary Amendment filed concurrently with the present application on Nov. 28, 2001
28.	Previously Presented	Figs. 1-10B; col. 1:6-21; col. 2:65-col. 10:47; Claims 1-9	As amended in the Preliminary Amendment filed concurrently with the present application on Nov. 28, 2001
29.	Previously Presented	Figs. 1-10B; col. 1:6-21; col. 2:65-col. 10:47; Claims 1-9	As originally filed in the present application
30.	Previously Presented	Figs. 1-10B; col. 1:6-21; col. 2:65-col. 10:47; Claims 1-9	As amended in the Preliminary Amendment filed concurrently with the present application on Nov. 28, 2001
31.	Previously Presented	Figs. 1-10B; col. 1:6-21; col. 2:65-col. 10:47; Claims 1-9	As amended in the Preliminary Amendment filed concurrently with the present application on Nov. 28, 2001

Application No.: 09/996,439
Filing Date: November 28, 2001

<u>Claim(s)</u>	<u>Status</u>	<u>Support (<i>inter alia</i>) in the '200 patent</u>	<u>Notes/Comments</u>
32.	Previously Presented	Figs. 1-10B; col. 1:6-21; col. 2:65-col. 10:47; Claims 1-9	As amended in the Preliminary Amendment filed concurrently with the present application on Nov. 28, 2001
33.	Previously Presented	Figs. 1-10B; col. 1:6-21; col. 2:65-col. 10:47; Claims 1-9	As amended in the Preliminary Amendment filed concurrently with the present application on Nov. 28, 2001
34.	Previously Presented	Figs. 1-10B; col. 1:6-21; col. 2:65-col. 10:47; Claims 1-9	As originally filed in the present application
35.	Previously Presented	Figs. 1-10B; col. 1:6-21; col. 2:65-col. 10:47; Claims 1-9	As amended in the Preliminary Amendment filed concurrently with the present application on Nov. 28, 2001
36.	Canceled	n/a	Canceled in the Preliminary Amendment filed concurrently with the present application on Nov. 28, 2001
37.	Previously Presented	Figs. 1-10B; col. 1:6-21; col. 2:65-col. 10:47; Claims 1-9	As amended in the Preliminary Amendment filed concurrently with the present application on Nov. 28, 2001
38.	Previously Presented	Figs. 1-10B; col. 1:6-21; col. 2:65-col. 10:47; Claims 1-9	As originally filed in the present application
39.	Previously Presented	Figs. 1-10B; col. 1:6-21; col. 2:65-col. 10:47; Claims 1-9	As added in the Preliminary Amendment filed on Nov. 11, 2008; This claim is identical to original Claim 1, as amended in the Preliminary Amendment filed with the present application on Nov. 28, 2001
40.	Previously Presented	Figs. 1-10B; col. 1:6-21; col. 2:65-col. 10:47; Claims 1-9	As added in the Preliminary Amendment filed on Nov. 11, 2008; This claim is identical to original Claim 2, as initially filed with the present application on Nov. 28, 2001
41.	Previously Presented	Figs. 1-10B; col. 1:6-21; col. 2:65-col. 10:47; Claims 1-9	As added in the Preliminary Amendment filed on Nov. 11, 2008; This claim is identical to original Claim 3, as amended in the Preliminary Amendment filed with the present application on Nov. 28, 2001

Application No.: 09/996,439
Filing Date: November 28, 2001

<u>Claim(s)</u>	<u>Status</u>	<u>Support (<i>inter alia</i>) in the '200 patent</u>	<u>Notes/Comments</u>
42.	Previously Presented	Figs. 1-10B; col. 1:6-21; col. 2:65-col. 10:47; Claims 1-9	As added in the Preliminary Amendment filed on Nov. 11, 2008; This claim is identical to original Claim 4, as amended in the Preliminary Amendment filed with the present application on Nov. 28, 2001
43.	Previously Presented	Figs. 1-10B; col. 1:6-21; col. 2:65-col. 10:47; Claims 1-9	As added in the Preliminary Amendment filed on Nov. 11, 2008; This claim is identical to original Claim 5, as amended in the Preliminary Amendment filed with the present application on Nov. 28, 2001
44.	Previously Presented	Figs. 1-10B; col. 1:6-21; col. 2:65-col. 10:47; Claims 1-9	As added in the Preliminary Amendment filed on Nov. 11, 2008; This claim is identical to original Claim 6, as initially filed with the present application on Nov. 28, 2001
45.	Previously Presented	Figs. 1-10B; col. 1:6-21; col. 2:65-col. 10:47; Claims 1-9	As added in the Preliminary Amendment filed on Nov. 11, 2008; This claim is identical to original Claim 7, as initially filed with the present application on Nov. 28, 2001
46.	Previously Presented	Figs. 1-10B; col. 1:6-21; col. 2:65-col. 10:47; Claims 1-9	As added in the Preliminary Amendment filed on Nov. 11, 2008; This claim is identical to original Claim 8, as amended in the Preliminary Amendment filed with the present application on Nov. 28, 2001
47.	Previously Presented	Figs. 1-10B; col. 1:6-21; col. 2:65-col. 10:47; Claims 1-9	As added in the Preliminary Amendment filed on Nov. 11, 2008; This claim is identical to original Claim 9, as initially filed with the present application on Nov. 28, 2001

No Disclaimers or Disavowals

Although the present communication may include alterations to the subject application or claims, or characterizations of claim scope or referenced art, the Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any

Application No.: 09/996,439
Filing Date: November 28, 2001

prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Related Patents and Applications of Assignee

Applicant provides the following table to aid the Examiner during prosecution. The following U.S. patents and patent applications are related to the above-captioned application in that they have at least one listed inventor or assignee in common with the above-captioned application:

Attorney Docket No.	Application No. (U.S. Patent No.)	Filing Date (Issue Date)	Status	Title
AMERGN.006A	08/156,562 (US 5,597,200)	Nov. 22, 1993 (Jan. 28, 1997)	Issued	VARIABLE TEMPERATURE SEAT
AMERGN.006DV1	08/787,038	Jan. 28, 1997	Abandoned	VARIABLE TEMPERATURE SEAT
AMERGN.006RA	09/239,054	Jan. 27, 1999	Abandoned	VARIABLE TEMPERATURE SEAT
AMERGN.006RAC1	09/749,221	Dec. 27, 2000	Abandoned	VARIABLE TEMPERATURE SEAT

Copies of these patents and patent applications, including any office actions, allowances and/or other communications, are available through PAIR. However, if the Examiner so requests, Applicant will be happy to provide the Examiner with copies of any applications, pending claims, office actions, allowances, communications or any other documents, at any time.

Further, Applicant notes for the record that the claims of the present application may be different and/or broader in scope than the claims in any related patent or application. To the extent that any statements made in a related case (such as amendments or characterizations regarding the scope of a claim or prior art) could be construed as a disclaimer of any subject matter supported by the present disclosure, Applicant rescinds and retracts such disclaimer. Accordingly, any listed or referenced prior art may need to be re-visited. Further, any objections or rejections made by the Examiner in the issued and allowed cases identified above may need to be re-visited.

Claims canceled in this application are done so without prejudice. Applicant is not conceding that the previously pending claims are not patentable over the art of record. Applicant

Application No.: 09/996,439
Filing Date: November 28, 2001

reserves the right to later pursue any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Application No.: 09/996,439
Filing Date: November 28, 2001

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims are now in condition for allowance. Accordingly, Applicant respectfully requests reconsideration of the claims in light of the amendments and the above remarks.


The Applicant has made a good faith effort to respond to the rejections in the Office Action and to place the claims in condition for immediate allowance. Nevertheless, if any issues remain or otherwise require clarification, the Examiner is respectfully requested to contact Applicant's attorney at the below-listed telephone number to promptly resolve such issues.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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